

ORIGINAL

Application No.

80307

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS  
OF THE STATE OF NEVADA HERETOFORE APPROPRIATED**

## THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office NOV 17 2010Returned to applicant for correction NOV 23 2010

Corrected application filed \_\_\_\_\_

Map filed \_\_\_\_\_

The applicant Battle Mountain Gold CompanyEnvironment Department, 1655 Mountain City Hwyof Elko

Street Address or PO Box

City or Town

Nevada, 89801

State and ZIP Code

hereby make(s) application for permission to change the

☒ Point of diversion☒ Place of use☐ Manner of use☐ of a portion

of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit 603351. The source of water is Underground

Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 0.11 cfs

Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Mining, Milling and Domestic

Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use

4. The water heretofore used for Mining, Milling and Domestic

If for stock, state number and kind of animals.

5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)

13) Within Lot 3 of Section 5, T.30N., R.43E., M.D.B.&M., or at a point from which the SE corner of Section 31, T.31N., R.43E., M.D.B.&M. bears N0°04'53"W a distance of 513.00 feet.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

5a) the SW1/4SE1/4 of Section 27, T.31N., R.43E., M.D.B.&M. or at a point from which the SE corner of said Section 27 bears S54°39'58"W a distance of 1913.89 feet.

131-212

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

Sections 14, 15, 16, 21, 22, 23, 26, 27, 28, 32, 33 and 34, T.31N., R.43E. and Sections 2, 3, 4, 8, 9, 16 and 21, T.30N., R.43E., M.D.B. & M.

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

NE1/4 of Section 34, T.31N., R.43E., M.D.B. & M.

9. Proposed use will be from January 1st to December 31st of each year.  
Month and Day Month and Day

10. Existing use permitted from January 1st to December 31st of each year.  
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e., diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

A drilled and cased well with pump, motor and totalizing water meter and pipeline to the place of use.

12. Estimated cost of works \$25,000.00±

13. Estimated time required to construct works Complete, see question 11 and well log 105345  
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 5 years

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

This application is being filed to change the point of diversion and place of use for Permit 60335, because the existing well is no longer being used to provide water to the Phoenix Mine. The proposed diversion is needed for mining and analytical lab facilities with a crew of 250-300 workers; including water for showers, sinks, toilets, lab fixtures, emergency wash stations and drinking.

16. Miscellaneous remarks:

Please use the map to support Permit 60335 to show the existing point of diversion and place of use and the map to support Permit 72084 to show the proposed place of use.

Bryce.Vorwaller@Newmont.com

E-mail Address

775-778-4318

Phone No.

Ext.

APPLICATION MUST BE SIGNED  
BY THE APPLICANT OR AGENT

Bryce Vorwaller

Type or print name clearly

Bryce Vorwaller

Signature, applicant or agent

Newmont USA Limited

Company Name

1655 Mountain City Highway

Street Address or PO Box

Elko, Nevada, 89801

City, State, ZIP Code

Revised 07/09

\$200 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

WITHDRAWN BY APPLICANT

DEC 02 2008

STATE ENGINEER